IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9016 OF 2005

Shivshankar S.Tiwari .. Petitioner

Vs.

Sanjay T.Singh & Ors. ..Respondent

Mr.R.R.Mishra for the petitioner

CORAM : S.U.KAMDAR, J
DATED : 22ND DECEMBER, 2005

P.C.:

1. The present petition challenges the order dt.15.12.05 by which the Charity Commissioner has refused the the transfer of proceedings from one learned Joint Charity Commissioner to another learned Joint Charity Commissioner. The learned Charity Commissioner while considering the aforesaid application has taken into consideration various allegations made by the petitioner and has found that the same are not supported by the relevant material and evidence forming part of the record and proceeding of the Joint Charity Commissioner.

2. The learned counsel for the petitioner Mr.Mishra has taken me through the record of the Joint Charity Commissioner in the pending

proceeding. Even from the aforesaid record I do not find any such apprehension which has been expressed by the learned counsel for the petitioner that the petitioner will not get justice from the hand of Joint Charity Commissioner before whom applications are pending. At the time of hearing of the matter before the Charity Commissioner, the learned counsel has set out certain statements supposed to have been made by the Charity Commissioner but there is no material or evidence in support of the fact that any such statements were made by him. Merely by oral allegations it is not possible to infer that the Joint Charity Commissioner is biased and would not give justice to the petitioner. The law is well settled that though mere apprehension of bias is sufficient but such apprehension must be based on cognet material and evidence and/or it must be on the basis of conduct of the proceedings before the lower authority. Mere oral allegations are not enough to arrive at such a conclusion. In that light of the matter, I am of the opinion that the present petition does not require to be entertained at all under Article 227 of the Constitution of India.

Petition is dismissed accordingly. No order as to costs.